

ZONING BOARD OF APPEALS
MINUTES
OCTOBER 22, 2014
TOWN HALL ANNEX – COMMUNITY ROOM 1

Chairman Stebbins called the meeting to order at 7:00 p.m. appointed Russotto as Acting Secretary and seated Mencer as a voting member. The Chairman explained that there are four members present, so all members must vote in favor of a variance request for approval.

I. ROLL CALL

Present: Grady, Mencer, Stebbins, Russotto
Absent: Kravits, Manning
Staff: Cullen, Gilot

II. PUBLIC HEARINGS

Acting Secretary Russotto read the Call of the Hearing. It was noted that all mailings have been received and found to be in order by Secretary Manning at the previous meeting on October 8, 2014. Public hearing procedures were reviewed.

1. ZBA#14-08 – 40 Library Street, Mystic, John P. Casey, Esq./Applicant's Agent, Mystic & Noank Library/Owner, for a variance to Section 5.2 to allow 3 feet in lieu of 12 feet for a side yard setback for an addition to accommodate an external fire escape. PIN#261918208890, RS-12 zone - (Continued)

Attorney John Casey, Robinson & Cole, submitted two more mailed notices which were returned by the post office. One was returned undelivered by the post office. Also, a notice was sent to Comrie (65 Pequot Avenue) who passed away in August. The attorney for the owner was directly advised.

Mr. Casey introduced Lois Hiller, Library Director, and Todd Brady, a member of the Library's Board of Trustees.

Mr. Casey explained the variance request to reduce a side yard setback to allow installation of a fire stair, as mandated by fire code so that the library can continue to have full use of the second story.

Mr. Casey distributed copies of the following items to the Agency members:

- Certificate of Appropriateness from the Historic District Commission
- Letter of approval from the Deputy State Building Inspector to locate the exterior exit stair less than 10 feet from the adjacent property line
- Letter of approval of the proposed fire stair from the State's Department of Economic and Community Development's Historic Preservation Office, approving the proposed fire stair, required as part of a restriction placed on the property as a requirement of a grant awarded to the Library.

Todd Brady, 17 Water Street, a Trustee of the Library, explained that a semi-annual fire inspection discovered that the main stair was not up to code because it was not rated. An application for modification made to the State Fire Marshal was denied. That decision was appealed and also denied. A second inspection discovered another area that was not compliant because the travel path to the rated stair was too long. The Library hoped to preserve the existing historic staircase, but must address the life safety issues because it is a public building. The exterior fire stair is larger, and would reduce the side yard setback to 3 feet. Modifications to building codes were discussed.

Lois Hiller, Library Director, Mystic & Noank Library, 40 Library Street, residing at 24 Meadowbrook Lane, Mystic, explained the second floor of the building had been used for concerts or author visits, but there is a temporary restriction on the use of the upper level until the fire stair is installed.

Due to the application of the fire code requirements, the location and layout of the historic building, the fire stair must be located in a setback.

Attorney Casey distributed a case study from New Canaan regarding a historic architectural case (architectural hardship).

Paul Bied, Burrows Street, had no objections to the applications. The Planning Commission gave a favorable referral.

The Chairman asked for comments from the public and there were none.

Staff said she received several phone calls but none were in opposition.

The public hearing closed at 7:34 p.m.

2. ZBA#14-09 – 37 Bay View Avenue, Mystic, Jeff Crewe and Susan Sayer/Owners, for a variance to Section 5.2 to allow 20 feet in lieu of 30 feet for a front yard setback (Misty View Avenue) for an addition. PIN#261805191930, RS-12 zone – (Continued)

Acting Secretary Russotto read the call and stated that the mailings are in order.

Susan Sayer and Jeff Crewe, 37 Bay View Avenue, explained their request for a variance to construct an addition to their residence. Ms. Sayer distributed copies of drawings depicting proposed changes. Their property is a corner lot with two front yards and two side yards.

Mrs. Sayer uses a wheelchair in the house. The proposed addition will allow her to stay in their residence, and to age in place. The addition would allow them to expand the bathroom on the lower level to allow a wheelchair accessible shower. Also, it would provide space for a larger bedroom, allowing space for her to turn, and use of the equipment that she needs. This would allow them to stay in this house.

The hardship would be the difficulty in placing the addition anywhere other than on the north corner of the house. Due to the ramping area needed at the northwest side of the house, it doesn't seem appropriate to add in that direction. Many layouts were reviewed but none of the designs would allow her the turning space and accessibility

required. The proposal is for a front yard setback variance for a ten foot addition on the Misty View side.

The Chairman asked for comments from the public and there were none.

The Planning Commission had no comment.

Staff said the coverage would not be over, and the house is currently in the allotted setbacks.

The public hearing closed at 7:48 p.m.

III. MEETING FOLLOWING PUBLIC HEARINGS

Decision on Public Hearing Applications

1. ZBA#14-08 – 40 Library Street, Mystic, John Casey Esq., Agent, Mystic & Noank Library, Owner

MOTION: To grant the variance as requested.

Motion made by Grady, seconded by Russotto, so voted unanimously.

2. ZBA#14-09 – 37 Bay View Avenue, Mystic, Jeff Crewe and Susan Sayer, Owners

Due to the property having two front yards, and the house was built before zoning, the Agency members felt there was a hardship.

MOTION: To grant the variance as requested.

Motion made by Grady, seconded by Russotto, so voted unanimously.

IV. CORRESPONDENCE – None

V. APPROVAL OF THE MINUTES OF SPECIAL MEETING OF AUGUST 27, 2014 *, REGULAR MEETING OF AUGUST 27, 2014 *, AND REGULAR MEETING OF 10/8/14

MOTION: To approve the minutes of special meeting of August 27, 2014, as presented.

Motion made by Grady, seconded by Russotto, so voted unanimously

MOTION: To approve the minutes of regular meeting of August 27, 2014, as presented.

Motion made by Grady, seconded by Russotto. Motion passed unanimously.

MOTION: To approve the minutes of October 8, 2014 as presented.

Motion made by Grady, seconded by Russotto, so voted unanimously.

VI. OLD BUSINESS – None

VII. NEW BUSINESS

a) New Applications

Staff said there will be 3 public hearings on November 12th.

b. 2015 Meeting Schedule

Motion to adopt the 2015 meeting schedule as presented made by Grady, seconded by Mencer; so voted unanimously.

VIII. REPORT OF STAFF

Staff said business is picking up. Grady informed staff that she will be away from December 16th until April.

IX. ADJOURNMENT

Motion to adjourn at 8:00 p.m. was made by Grady, seconded by Mencer, so voted unanimously.

Scott Russotto, Acting Secretary
Zoning Board of Appeals

Prepared by Debra Gilot
Office Assistant III